

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

COURT EXHIBIT

16

★ - APR 11 2016 ★

UNITED STATES OF AMERICA

LONG ISLAND OFFICE

- against -

14-CR-264 (S-5) (JS)

RAPHAEL OSBORNE,  
also known as "Gusto",

Defendant.

- X

SPECIAL VERDICT SHEET FOR FORFEITURE ALLEGATIONS

We, the jury, unanimously find by a preponderance of the evidence that the following property was used, or intended to be used, in any manner or part, to commit, or to facilitate the conspiracy to distribute controlled substances charged in Count Eighteen of the Superseding Indictment:

Real property and premises located at 107 Debevoise Avenue, Roosevelt, New York 11566.

YES



NO

Please have your foreperson sign and date this form, and return it to the courtroom.

Dated: Central Islip, New York  
April 11, 2016

  
Jury Foreperson

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

- against -

14-CR-264 (S-5) (JS)

RAPHAEL OSBORNE,  
also known as "Gusto",

Defendant.

-----X

VERDICT SHEET FOR ADDITIONAL ELEMENT TO COUNT TWENTY-ONE

We, the jury, unanimously find beyond a reasonable doubt, that prior to April 17, 2013, the defendant Raphael Osborne, also known as "Gusto," was convicted of a crime punishable for a term of imprisonment for more than one year.


YES



NO

Please have your foreperson sign and date this form, and return it to the courtroom.

Dated: Central Islip, New York  
April 11, 2016

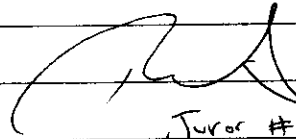
  
Jury Foreperson

COURT EXHIBIT

14<sup>335</sup>

4/11/16

We the Jury have reached  
a verdict.



Juror # 1

13UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-against-

Verdict Sheet14-CR-264 (S-5) (JS)RAPHAEL OSBORNE,  
also known as "Gusto,"

-----X

SEYBERT, U.S. DISTRICT JUDGE

**AS TO COUNT ONE**  
(RICO)

Which, if any, of the following Racketeering Acts have been proven beyond a reasonable doubt against the defendant?

**Racketeering Act One (Conspiracy to Murder Rival Gang Members)**

Conspiracy to Murder Rival Gang Members

Not Proven \_\_\_\_\_

Proven ✓**Racketeering Act Two (Robbery)**

Subpart A: Robbery of Drug Dealer known as Fish

Not Proven \_\_\_\_\_

Proven ✓

Subpart B : Hobbs Act Robbery of Drug Dealer known as Fish

Not Proven \_\_\_\_\_

Proven ✓**Racketeering Act Three (Robbery)**

Subpart A: Robbery of Drug Dealer #2 (Trackside)

Not Proven \_\_\_\_\_

Proven ✓

Subpart B: Hobbs Act Robbery of Drug Dealer #2 (Trackside)

Not Proven \_\_\_\_\_

Proven ✓**Racketeering Act Four (Conspiracy to Murder and Attempted Murder of Maurice Gardner)**

Subpart A: Conspiracy to Murder Maurice Gardner

Not Proven \_\_\_\_\_

Proven ✓

Subpart B: Attempted Murder of Maurice Gardner

Not Proven \_\_\_\_\_

Proven ✓

Racketeering Act Five (Attempted Murder of Rival Gang Members)

Attempted Murder of Rival Gang Members (January 30, 2013 Shooting of Johnny Green)

Not Proven \_\_\_\_\_

Proven ✓

Racketeering Act Six (Conspiracy to Distribute Controlled Substances)

Conspiracy to Distribute Controlled Substances

Not Proven \_\_\_\_\_

Proven ✓

As to Count One:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

**AS TO COUNT TWO**  
**(RICO CONSPIRACY)**

Which, if any, of the following Racketeering Acts has it been proved beyond a reasonable doubt that the defendant agreed to commit?

Racketeering Act One (Conspiracy to Murder Rival Gang Members)

Conspiracy to Murder Rival Gang Members

Not Proven \_\_\_\_\_

Proven ✓

Racketeering Act Two (Robbery)

Subpart A: Robbery of Drug Dealer known as Fish

Not Proven \_\_\_\_\_

Proven ✓

Subpart B : Hobbs Act Robbery of Drug Dealer known as Fish

Not Proven \_\_\_\_\_

Proven ✓

Racketeering Act Three (Robbery)

Subpart A: Robbery of Drug Dealer #2 (Trackside)

Not Proven \_\_\_\_\_

Proven ✓

Subpart B: Hobbs Act Robbery of Drug Dealer #2 (Trackside)

Not Proven \_\_\_\_\_

Proven ✓

Racketeering Act Four (Conspiracy to Murder and Attempted Murder of Maurice Gardner)

Subpart A: Conspiracy to Murder Maurice Gardner

Not Proven \_\_\_\_\_ Proven ☒

Subpart B: Attempted Murder of Maurice Gardner

Not Proven \_\_\_\_\_ Proven ☒

Racketeering Act Five (Attempted Murder of Rival Gang Members)

Attempted Murder of Rival Gang Members (January 30, 2013 Shooting of Johnny Green)

Not Proven \_\_\_\_\_ Proven ☒

Racketeering Act Six (Conspiracy to Distribute Controlled Substances)

Conspiracy to Distribute Controlled Substances

Not Proven \_\_\_\_\_ Proven ☒

As to Count Two:

How do you find the defendant?

Not Guilty \_\_\_\_\_ Guilty ☒

**AS TO COUNT THREE**

(Hobbs Act Robbery Conspiracy, Drug Dealer known as Fish)

As to Count Three:

How do you find the defendant?

Not Guilty \_\_\_\_\_ Guilty ☒

**AS TO COUNT FOUR**

(Hobbs Act Robbery, Drug Dealer known as Fish)

As to Count Four:

How do you find the defendant?

Not Guilty \_\_\_\_\_ Guilty ☒

If your verdict is "Guilty" as to either Count Three or Count Four, please proceed to Count Five.

If your verdict is "Not Guilty" as to both Count Three and Count Four, you must also return a verdict of "Not Guilty" as to Count Five.

**AS TO COUNT FIVE**

(Brandishing Firearms During Crimes of Violence: Hobbs Act Robbery Conspiracy or Robbery)

As to Count Five:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

If your verdict is "Guilty" as to Count Five, please proceed to the additional finding as to Count Five.

If your verdict is "Not Guilty" as to Count Five, please continue on to Count Six.

Additional Finding as to Count Five:

Was at least one firearm brandished during the commission of the Hobbs Act Robbery Conspiracy or Robbery?

Not Proven \_\_\_\_\_

Proven ✓

**AS TO COUNT SIX**

(Hobbs Act Robbery Conspiracy, Drug Dealer #2 at Trackside)

As to Count Six:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

**AS TO COUNT SEVEN**

(Hobbs Act Robbery, Drug Dealer #2 at Trackside)

As to Count Seven:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

If your verdict is "Guilty" as to either Count Six or Count Seven, please proceed to Count Eight.

If your verdict is "Not Guilty" as to both Count Six and Count Seven, you must also return a verdict of "Not Guilty" as to Count Eight.

**AS TO COUNT EIGHT**

(Brandishing Firearms During Crimes of Violence: Hobbs Act Robbery Conspiracy or Robbery)

As to Count Eight:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

If your verdict is "Guilty" as to Count Eight, please proceed to the additional finding as to Count Eight.

If your verdict is "Not Guilty" as to Count Eight, please continue on to Count Nine.

Additional Finding as to Count Eight:

Was at least one firearm brandished during the commission of the Hobbs Act Robbery Conspiracy or Robbery?

Not Proven \_\_\_\_\_

Proven ✓

**AS TO COUNT NINE**

(Conspiracy to Murder Maurice Gardner)

As to Count Nine:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

**AS TO COUNT TEN**

(Attempted Murder of Maurice Gardner)

As to Count Ten:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓



**AS TO COUNT ELEVEN**

(Assault with a Dangerous Weapon: Shooting of Maurice Gardner)

As to Count Eleven:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ☒

**AS TO COUNT TWELVE**

(Witness Retaliation)

As to Count Twelve:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ☒

**AS TO COUNT THIRTEEN**

(Witness Retaliation Conspiracy)

As to Count Thirteen:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ☒

If your verdict is "Guilty" as to Count Nine, Count Ten, Count Eleven, Count Twelve, or Count Thirteen, please proceed to Count Fourteen.

If your verdict is "Not Guilty" as to Count Nine, Count Ten, Count Eleven, Count Twelve, and Count Thirteen, you must also return a verdict of "Not Guilty" as to Count Fourteen.

**AS TO COUNT FOURTEEN**

(Discharging a Firearm During Crimes of Violence: Conspiracy to Murder Maurice Gardner, Attempted Murder of Maurice Gardner, Assault of Maurice Gardner, Witness Retaliation or Witness Retaliation Conspiracy)

As to Count Fourteen:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ☒

If your verdict is "Guilty" as to Count Fourteen, please proceed to the additional findings as to Count Fourteen.

If your verdict is "Not Guilty" as to Count Fourteen, please proceed to Count Fifteen.

**Additional Finding One for Count Fourteen:**

Was a firearm brandished during the commission of the Conspiracy to Murder Maurice Gardner, Attempted Murder of Maurice Gardner, Assault of Maurice Gardner, Witness Retaliation or Witness Retaliation Conspiracy?

Not Proven \_\_\_\_\_

Proven ✓

If your verdict is "Proven" as to Additional Finding One in Count Fourteen, please proceed to Additional Finding Two of Count Fourteen.

If your verdict is "Not Proven" as to Additional Finding One in Count Fourteen, please proceed to Count Fifteen.

**Additional Finding Two for Count Fourteen:**

Was a firearm discharged during the commission of the Conspiracy to Murder Maurice Gardner, Attempted Murder of Maurice Gardner, Assault of Maurice Gardner, Witness Retaliation or Witness Retaliation Conspiracy?

Not Proven \_\_\_\_\_

Proven ✓

**AS TO COUNT FIFTEEN**

(Attempted Murder of Rival Gang Members: Shooting of Johnny Green)

**As to Count Fifteen:**

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

**AS TO COUNT SIXTEEN**

(Assault of a Rival Gang Member with Dangerous Weapons: Shooting of Johnny Green)

As to Count Sixteen:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

If your verdict is "Guilty" as to Count Fifteen or Count Sixteen, please proceed to Count Seventeen.

If your verdict is "Not Guilty" as to Count Fifteen or Count Sixteen, you must also return a verdict of "Not Guilty" as to Count Seventeen.

**AS TO COUNT SEVENTEEN**

(Discharging a Firearm During Crimes of Violence: Attempted Murder of Rival Gang Members or Assault of Johnny Green)

As to Count Seventeen:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

If your verdict is "Guilty" as to Count Seventeen, please proceed to the additional findings as to Count Seventeen.

If your verdict is "Not Guilty" as to Count Seventeen, please proceed to Count Eighteen.

Additional Finding One for Count Seventeen:

Was at least one firearm brandished during the commission of the Attempted Murder of Rival Gang Members and Assault of Johnny Green?

Not Proven \_\_\_\_\_

Proven ✓

If your verdict is "Proven" as to Additional Finding One in Count Seventeen, please proceed to Additional Finding Two of Count Seventeen.

If your verdict is "Not Proven" as to Additional Finding One in Count Seventeen, please proceed to Count Eighteen.

Additional Finding Two for Count Seventeen:

Was at least one firearm discharged during the commission of the Attempted Murder of Rival Gang Members and Assault of Johnny Green?

Not Proven \_\_\_\_\_

Proven ☒ \_\_\_\_\_

**AS TO COUNT EIGHTEEN**

(Conspiracy to Distribute Controlled Substances)

As to Count Eighteen:

How do you find the defendant? (cocaine base, heroin, marijuana or methyldone)

Not Guilty \_\_\_\_\_

Guilty ☒ \_\_\_\_\_

If you found the defendant "Guilty", please answer questions A, B, C and D.

If you found the defendant "Not Guilty" of Count Eighteen, you must also find the defendant "Not Guilty" of Count Nineteen.

Question A: Do you find that the government has proved, beyond a reasonable doubt, that the crime charged in Count Eighteen involved cocaine base?

Yes ☒ \_\_\_\_\_

No \_\_\_\_\_

If you answered "Yes" to Question A, please answer Question 1.

If you answered "No" to Question A, proceed to Question B.

Question 1: Do you find that the government has proved, beyond a reasonable doubt, that the crime charged in Count Eighteen involved 280 grams or more of cocaine base?

Yes ☒ \_\_\_\_\_

No \_\_\_\_\_

If you answered "Yes" to Question 1, proceed to Question B.

If you answered "No" to Question 1, please answer Question 2.

Question 2: Do you find that the government has proved, beyond a reasonable doubt, that the crime charged in Count Eighteen involved 28 grams or more of cocaine base?

Yes \_\_\_\_\_

No \_\_\_\_\_

Question B: Do you find that the government has proved, beyond a reasonable doubt, that the crime charged in Count Eighteen involved heroin?

Yes ✓ No       

If you answered "Yes" to Question B, please answer Question 1.  
If you answered "No" to Question B, proceed to Question C.

Question 1: Do you find that the government has proved, beyond a reasonable doubt, that the crime charged in Count Eighteen involved 100 grams or more of heroin?

Yes ✓ No       

Question C: Do you find that the government has proved, beyond a reasonable doubt, that the crime charged in Count Eighteen involved marijuana?

Yes ✓ No       

If you answered "Yes" to Question C, please answer Question 1.  
If you answered "No" to Question C, proceed to Question D.

Question 1: Do you find that the government has proved, beyond a reasonable doubt, that the crime charged in Count Eighteen involved 100 kilograms or more of marijuana?

Yes ✓ No       

Question D: Do you find that the government has proved, beyond a reasonable doubt, that the crime charged in Count Eighteen involved methylene?

Yes ✓ No       

**AS TO COUNT NINETEEN**

(Use of Firearms During Drug Trafficking Crime)

As to Count Nineteen:

How do you find the defendant?

Not Guilty        Guilty ✓

**AS TO COUNT TWENTY**

(Conspiracy to Murder or Assault Rival Gang Members with Dangerous Weapons)

As to Count Twenty:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

If your verdict is "Guilty" as to Count Twenty, please proceed to the additional findings as to Count Twenty.

If your verdict is "Not Guilty" as to Count Twenty, please continue on to Count Twenty-One.

Additional Finding One as to Count Twenty:

Do you find that the government has proven that the defendant conspired to murder rival gang members?

Not Proven \_\_\_\_\_

Proven ✓

Additional Finding Two as to Count Twenty:

Do you find that the government has proven that the defendant conspired to assault rival gang members with dangerous weapons?

Not Proven \_\_\_\_\_

Proven ✓

**AS TO COUNT TWENTY-ONE**

(Illegal Possession of Ammunition)

As to Count Twenty-One:

How do you find the defendant?

Not Guilty \_\_\_\_\_

Guilty ✓

Please have your foreperson sign and date this.

Dated: Central Islip, New York

April 11, 2016

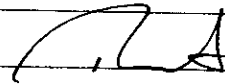
[Signature]  
Foreperson

COURT EXHIBIT

12

4/11/16

We the Jury have reached  
a verdict.



Juror # 1

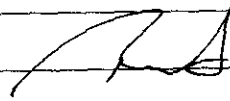
11 10:55

4/11/16

We would like to again hear

- Aaron Halyard
- Reynaldo Hernandez
- Essix Robinson,

testimony related to the  
January 30, 2013 shooting.

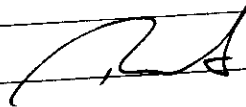


Juror #1



4/8/16

We would again like to  
hear Aaron Halyard's  
testimony regarding the  
trackside robbery.

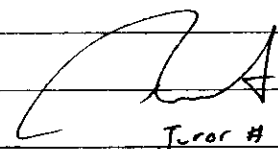


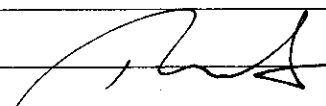
Juror #1

4/8/16

We would like to request  
testimony pertaining to  
conversations leading up to  
the ~~Deakoning~~ ~~Green~~ ~~Shooting~~.  
January 30, 2013 shooting.

Also,

We would like  Juror # 2  
to request the  
sections of the governments  
summation pertaining to the  
Johnny Green Shooting/January 30, 2013.



We would like to confirm that the testimony you are requesting is  
for the fall of 2012 and not the fall of 2010?

  
Hon. Joanna Seybert

April 8, 2016

4/8/16  
Response,  
Please hold this request pending the  
review of the first request.

  
Juror # 2

8 10:45

4/8/12

We would like the following  
witness testimony played  
back in regards to the  
Johnny Green Shooting:

1. Essix Robinson
2. Jose Bonifacio

~~XXXXXXXXXXXXXXXXXXXX~~

We would like to request  
testimony related to the  
C-13 meeting held the  
fall of 2012.



Juror # 1

7 10:05

4/8/16

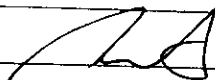
We would like to request  
the following:

• Gx 370A

• Gx 371A

• Gx 269A

We would also like to  
see the list provided  
yesterday with the names  
of all ~~with~~ <sup>witnesses</sup> in ~~with~~ relation  
to testimony regarding  
January 30, 2013 - Shooting of  
Johnny Green.



Juror #2

6A

The following witnesses gave testimony on the Johnny Green shooting:

1. Aaron Halyard
2. Reynaldo Hernandez
3. Essix Robinson
4. Detective Steven Markakis (crime scene)
5. Detective Daniel Miller (crime scene)
6. Dr. David Fagan
7. Gerard Harrison (DMV)
8. Detective George Colby
9. Jose Bonifacio
10. Walter Collier (shot spotter)

Would you like all of their testimony on the Johnny Green shooting?

If not, please list which witnesses' testimony you would like us to gather for you.

*Joanna Seyfert*  
US DJ 4-7-16 3:15 PM

We would like to request Testimony  
on Johnny Green shooting from:


1. Aaron Halyard
2. Reynaldo Hernandez



Juror #1 4/7/16

4/7/16

We would like to request the  
testimony related to January  
30, 2013 - Shooting of Johnny  
Green.



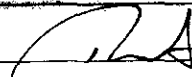
Juror #1

5 12:35

4/7/16

We would like the phone  
call or call(s) played during  
~~opening~~ summations by the  
Government. to be played back.

(multiple references to "rat"  
were made in the above  
mentioned call)



Juror 1



COURT EXHIBIT

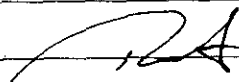
4 12:10

4/7/16

We would like to request  
Testimony related to Robbery  
of Drug Dealer #2 (Trackside).

~~REDACTED~~

Thank You



Juror #2

3 10:35

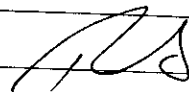
4/7/16

Does the Jury have to  
ONLY deliberate ~~and~~ and  
agree on a decision for  
only 2 out of the 6  
counts in Count 1?

If so, ~~what~~ does the  
Jury need to deliberate  
on the remaining 4 act's  
once 2 counts are proven.

We would like to see  
the following Cooperation Agreements:

GX# 3500-AH-1 HALYARD



Juror #1

COURT EXHIBIT

2

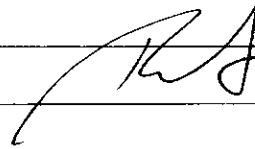
4:35

4/6/16

We are ready to leave.

B We would like to meet Friday.

Juror # 1



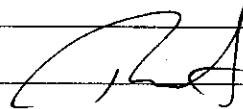
COURT EXHIBIT

1

3:25

4/6/16

Foreman has been decided  
to be Juror #1.



Juror #1